



# **COUNCIL MEETING AGENDA**

## **June 4, 2015**

Members may attend in person or by telephone.

John W. Lewis, *Mayor*  
Jordan Ray, *Vice Mayor*

Eddie Cook  
Victor Petersen  
Jared Taylor

Jenn Daniels  
Brigette Peterson

**Municipal Center, Council Chambers**  
**50 East Civic Center Drive**  
**Gilbert, Arizona**

**Regular Meeting**  
**7:00 PM**

**AGENDA ITEMS MAY BE DISCUSSED IN A DIFFERENT SEQUENCE.**  
**ITEMS WILL NOT BE DISCUSSED PRIOR TO POSTED MEETING TIME.**

### **ADDENDUM**

#### **PRESENTATIONS; PROCLAMATIONS**

4A. Proclamation declaring June 14 - 20, 2015 as United States Army Week in Gilbert.

#### **CONSENT CALENDAR**

16A. CONTRACT – consider approval of Fiscal Year 2015-2016 General Fund and Neighbor 2 Neighbor/Share My Stamp funds for human services contracts:

- a) approve a total of \$367,000 in General Funds and \$50,000 in Neighbor 2 Neighbor/Share My Stamp funds for a total of \$417,000 to provide non-profit support and allow the Gilbert Town Manager to execute contracts under \$50,000;
- b) approve Contract No. 2015-5003-0740 with the Gilbert Boys & Girls Club in the amount of \$115,000 and authorize the Mayor to execute the required documents;
- c) approve Contract No. 2015-5501-0743 with Chandler Christian Community Center in the amount of \$123,000 and authorize the Mayor to execute the required documents;and
- d) authorize a Contingency Transfer in the amount of \$112,000 to provide FY2015-16 non-profit support.

### **AGENDA ITEM**

## **CALL TO ORDER**

## **INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation may be offered by a person of any religion, faith, belief or non-belief, as well as Councilmembers. A list of volunteers is maintained by the Town Clerk and interested persons should contact the Clerk for further information.

Mayor invites all scouts present to the front of the Council Chambers.

Pledge of Allegiance and introduction and recognition of scouts.

Invocation by Councilmember.

## **ROLL CALL**

## **PRESENTATIONS; PROCLAMATIONS**

1. Pillar of the Month - Citizenship.
2. Presentation Gilbert Schools Rock! Winners and donation.
3. Proclamation declaring June 15-21, 2015 as Men's Health Week.
4. Proclamation declaring June 10, 2015 as Portugal Day in Gilbert.
5. Recognition of Dr. Denise Birdwell for her leadership as superintendent of the Higley Unified School District.

## **COMMUNICATIONS FROM CITIZENS**

At this time, members of the public may comment on matters within the jurisdiction of the Town but not on the agenda. The Council's response is limited to responding to criticism, asking staff to review a matter commented upon, or asking that a matter be put on a future agenda.

## **CONSENT CALENDAR**

All items listed below are considered consent calendar items and may be approved by a single motion unless removed at the request of Council for further discussion/action. Other items on the agenda may be added to the consent calendar and approved under a single motion.

6. INTERGOVERNMENTAL AGREEMENT – consider approval of Intergovernmental Agreement No. 2015-2106-0704 with Town of Queen Creek and Maricopa County for Improvements to Ocotillo Road between Recker and Power Roads, Project No. ST102, and authorize the Mayor to execute the required documents.

7. INTERGOVERNMENTAL AGREEMENT – consider approval of Intergovernmental Agreement No. 2015-7008-0636 with Arizona Department of Transportation for the Design Concept Report and Environmental Services for the proposed Lindsay Road at State Route 202 Traffic Interchange, Project No. ST158, and authorize the Mayor to execute the required documents.

8. INTERGOVERNMENTAL AGREEMENT – consider approval of an amendment to Intergovernmental Agreement No. 2015-4501-0672 with Regional Public Transportation Authority for the FY2016 Gilbert Transit, Dial-A-Ride and Alternative Transportation Services and authorize the Mayor to execute the required documents.

9. AGREEMENT – consider approval of License Renewal and Final Audit Settlement Agreement and Release related to Contract No. 2001-1003-0331 with Cox Communication, LLC and authorize the Mayor to execute the required documents.

10. AGREEMENTS – consider approval and authorize the Mayor to execute the required documents:

a) Interconnect Agreement No. 2015-7003-0431 with Union Pacific Railroad Company in an amount not to exceed \$832,648 for the Cooper and Guadalupe Road Crossings, Project No. ST094;

b) Interconnect Agreement No. 2015-7003-0432 with Union Pacific Railroad Company in an amount not to exceed \$1,090,517 for the Cooper and Guadalupe Road Crossings, Project No. ST094;

c) Public Highway At-Grade Crossings Improvement Agreement No. 2015-7003-0433 with Union Pacific Railroad Company in an amount not to exceed \$341,349 for the Guadalupe Road Intersection Improvements, Project No. ST094; and

d) Public Highway At-Grade Crossings Improvement Agreement No. 2015-7003-0434 with Union Pacific Railroad Company in an amount not to exceed \$360,217 for the Guadalupe Road Intersection Improvements, Project No. ST094.

11. PROPERTY – consider approval of a settlement for the acquisition of right-of-way and easements, Parcel No. 302-14-618 for improvements to the Guadalupe and Gilbert Intersection Project, Project No. ST129.

12. SYSTEM DEVELOPMENT FEES - consider setting a public hearing on June 25, 2015, for consideration of the system development fees protest filed by Trilogy at Power Ranch Community Association.

13. GRANT – consider application and acceptance of Grant No. 2015-5002-0732 from Maricopa Association of Governments 2015 Design Assistance Program for improved signing, marking, and way-finding on the Gilbert trail system in the amount of \$50,000.

14. CONTRACT – consider:

a) approval of Repair Services Contract No. 2015-7003-0727 with RD Sanders Contracting LLC, in an amount not exceed \$87,299.50 for Rome and Mercy Street Asphalt Repair and authorize the Mayor to execute the required documents; and

b) authorize a Street Fund Contingency Transfer in the amount of \$92,300 and the use of the Street Fund as the designated revenue source.

15. CONTRACT – consider approval and authorize the Mayor to execute the required documents:

a) Amendment No. 1 to Contract No. 2005-4107-0147 with Severn Trent Services, Inc. for the operation and maintenance of the Neely Wastewater Reclamation Plant located at 402 North Neely Street, allowing for renewal terms of no less than one, and no greater than five years, but maintaining the total possible contact duration of 15 years; and

b) Renewal No. 2 of Contract No. 2005-4107-0147 with Severn Trent Services, Inc. for a period of one year through June 30, 2016, for the operation and maintenance of the Neely Wastewater Reclamation Plant located at 402 North Neely Street.

16. CONTRACT – consider approval of Design Build Services Contract No. 2015-7012-0480 for Construction Phase No. 1 with Play It Safe Playgrounds and Park Equipment in an amount not to exceed \$793,474.49 for construction services for the Playground Replacement, Project No. PR103, and authorize the Mayor to execute the required documents.

17. FINAL PLAT S14-05 - consider approval of the final plat for Cooley Station Parcels 10 and 17 - Phase 2 located south and east of the intersection of Recker Road and Williams Field Road.

18. FINAL PLAT S14-09 - consider approval of the final plat for Enclave at North Shore located north and east of the intersection of McQueen Road and Elliot Road subject to administrative approval of the Open Space Plan for the project (PDA15-24).

19. FINAL PLAT SP1452 - consider approval of the final plat for Lots 5 & 6 at Rivulon - Phase 1 located along the south side of Rivulon Boulevard between Gilbert Road and Allen Avenue.

20. HUMAN RESOURCES - consider approval of the Self-Insurance Trust Fund for Health Insurance Benefits Board of Trustees recommendation for stop loss insurance coverage levels for the Town of Gilbert medical plan, purchase of FY2015-16 stop loss insurance coverage with Symetra, and authorize staff to execute necessary documents.

21. SPECIAL EVENT LIQUOR LICENSE – consider approval of a Special Event Liquor License for UNOM New Day Centers, Inc. for June 13, 2015 from 12am-4pm located at 1925 South Coronado Road.

22. SPECIAL EVENT LIQUOR LICENSE – consider approval of a Special Event Liquor License for UNOM New Day Centers, Inc. for June 27, 2015 from 12am-4pm located at 1925 South Coronado Road.

23. SPECIAL EVENT LIQUOR LICENSE – consider ratifying approval by the Mayor of a Special Event Liquor License for Life Animal Rescue for May 25, 2015 at The Farm at Agritopia located at 3000 East Ray Road.

24. LIQUOR LICENSE –consider approval of an acquisition of control the following licenses:

a) Safeway Food & Drug #1748, 5137 East Baseline Road, License No. 09070687;

b) Safeway Food & Drug #1748, 5137 East Baseline Road, License No. 09070103;

c) Safeway Food & Drug #1534, 90 South Val Vista Drive, License No. 09070358; and

d) Safeway Food & Drug #1534, 90 South Val Vista Drive, License No. 09070540.

25. TEMPORARY EXTENSION OF PREMISES – consider approval of a temporary extension of premises for Desert Babe's Sports Grill located at 1686 North Higley Road #101 for events to be held on June 7, 14, 21, and 28, 2015.

26. MINUTES – consider approval of the minutes of the May 14, 2015 Regular Meeting.

## **PUBLIC HEARING**

Items will be heard at one Public Hearing; at which time anyone wishing to comment on a Public Hearing Item may do so. Comments will be heard from those in support of or in opposition to an item. Hearings are noticed for 7:00 p.m.

In order to comment on a Public Hearing Item, you must fill out a public comment form, indicating the Item Number on which you wish to be heard. Once the hearing is closed, there will be no further public comment unless requested by a member of the Council. After the Public Hearing, the Council may act on all items not requiring additional staff, public, or Councilmember comment with a single vote.

27. LIQUOR LICENSE – conduct hearing and consider approval of a Series 10 Beer and Wine Store Liquor License for Quik Fill located at 831 East Warner Road.

28. LIQUOR LICENSE – conduct hearing and consider approval of a Series 6 Bar Liquor License for Jester's Billiards located at 1515 North Gilbert Road, Suite 115-123.

29. APPEAL AP15-04 (DR15-09) - conduct hearing and consider appeal to the Gilbert Town Council from the Town of Gilbert Redevelopment Commission's approval of the site

plan for District Lofts located at northwest corner of Cullumber Avenue and Oak Street. The property is zoned Multi-Family/Medium (MF-M) and is within the Heritage District overlay zoning district. The Town Council may uphold, reverse, or modify the decision of the Redevelopment Commission. If modified, the Town Council may impose conditions of development consistent with the standards set for the Heritage District overlay zoning district.

30. ZONING Z13-11 - conduct hearing and consider adoption of an Ordinance amending the Town of Gilbert Land Development Code, Chapter I Zoning Regulations, Division 2 Land Use Designations, Article 2.3 Commercial Districts, Section 2.303 Land Use Regulations, Table 2.303 Land Use Regulations - Commercial Districts, to require a Conditional Use Permit for Hospitals; Chapter I Zoning Regulations, Division 2 Land Use Designations, Article 2.5 Office Districts, Section 2.503 Land Use Regulations, Table 2.503 Land Use Regulations - Office, to modify the Conditional Use Permit requirement for Hospitals inside of a General Plan Growth Area; Chapter I Zoning Regulations, Division 2 Land Use Designations, Article 2.6 Employment Districts, Section 2.603 Land Use Regulations, Table 2.603 Land Use Regulations - Employment Districts, to modify the Conditional Use Permit requirement for Hospitals inside of a General Plan Growth Area; Chapter I Zoning Regulations, Division 2 Land Use Designations, Article 2.7 Public Facility/ Institutional District, Section 2.702 Land Use Regulations, Table 2.702 Land Use Regulations - Public Facility/ Institutional District, to require a Conditional Use permit for Hospitals; Chapter I Zoning Regulations, Division 4 General Regulations, Article 4.5 Supplemental Use Regulations, to provide separation requirements for hospitals from certain other uses, to increase property owner public notice requirements for a hospital conditional use permit, and to provide regulations for hospitals that service court ordered evaluations; and to amend Division 6 Use Definitions, Article 6.1 Use Definitions, to revise the definition of "Hospital" to include facilities offering behavioral health services. The effect of this amendment will be to modify the conditional use permit requirement for hospitals in Commercial, Employment, Office and Public Facility/Institutional zoning districts, to require separation of hospitals from certain other land uses, to modify the property owner public notice requirement for a hospital conditional use permit, to regulate hospital services related to court ordered evaluation, or to clarify that the definition of "Hospital" includes behavioral health hospitals. The Town Council may modify, enhance or exclude some or all of the proposed hospital regulations described in the preceding statement of potential effect.

31. ANNEXATION A15-01 – conduct hearing and consider adoption of Ordinance approving annexation of approximately 1.36 acres of real property located at the northwest corner of Power Road and Nunneley Road into the Town of Gilbert.

32. ZONING Z15-01- conduct hearing and consider approval of the findings and adoption of an Ordinance rezoning approximately 2.14 acres of real property generally located at the northwest corner of Power Road and Nunneley Road from Maricopa County Airport District Two (AD-2) zoning district to Town of Gilbert Regional Commercial (RC) zoning district. The effect of the rezoning will be to allow for commercial development.

33. GENERAL PLAN GP15-03/ ZONING Z15-07 – conduct hearing and consider:

a) adoption of a Resolution approving a Minor General Plan amendment to change the land use classification of approximately 5.04 acres of real property generally located at the northwest corner of Rome and Melrose Streets from 5.04 acres of Business Park Land Use Classification to 5.04 acres of General Office Land Use Classification. The effect of this amendment will be to change the plan of development for the property to allow for the development of a skilled nursing facility; and

b) approval of the findings and adoption of an Ordinance amending Ordinance No. 1813 pertaining to the Val Vista 160 and Germann Planned Area Development (PAD) by removing from the Val Vista 160 and Germann PAD approximately 5.04 acres of Business Park (BP) zoning district, all with a Planned Area Development overlay zoning district, generally located at the northwest corner of Rome and Melrose Streets; approving the Development Plan for the Gilbert Skilled Nursing Planned Area Development; and changing the zoning classification of said real property from approximately 5.04 acres of Business Park (BP) zoning district, all with a Planned Area Development overlay zoning district to approximately 5.04 acres of General Office (GO) zoning district, all with a Planned Area Development overlay zoning district, as shown on the exhibit (map), which is available for viewing in the Planning and Development Services Office, and to modify the development regulations as follows: decrease the rear building and landscape setback/buffer from 20' to 13'. The effect of the rezoning will be to allow for the development of a skilled nursing facility on the property and to decrease required setbacks.

34. CODE OF GILBERT - conduct hearing and consider adoption of an Ordinance amending the Code of Gilbert, Arizona, by amending Chapter 18, Cable Communications, Section 18-26 Payment of License Fee relating to payment of cable license fees and construction permit fees.

35. AGREEMENT – conduct hearing and consider adoption of a Resolution approving a fifteen (15) year renewal of Cable License Agreement No. 2001-1003-0331 with Cox Communication, LLC through January 25, 2029.

36. CODE OF GILBERT - conduct hearing and consider adoption of an Ordinance amending the Code of Gilbert, Arizona, by amending Chapter 1, General Provisions, Article IV Boards, Commissions, and Committees, Division 1 Generally, Section 1-204 Meetings; Division 8 Human Relations Commission, Section 1-320 Creation and Section 1-321 Membership; Division 9 Environmental and Energy Conservation Advisory Board, Section 1-326 Creation and Purpose; and Division 10 Arts, Culture and Tourism, Section 1-331 Creation and Section 1-333 Powers and Duties.

37. CAPITAL IMPROVEMENT PLAN - conduct hearing and consider adoption of the Town of Gilbert FY 2016-2025 Capital Improvement Program (CIP) and Infrastructure Improvement Plan (IIP).

38. STREETLIGHT IMPROVEMENT DISTRICT- conduct hearing and consider adoption of an Ordinance relating to taxation levied upon the assessed valuation of the property within

the Town of Gilbert subject to taxation, and within the Municipal Street Lighting Improvement District Nos. 85-01 through 85-10, 85-13 through 85-15, 85-17, 85-20 through 85-24, 86-01 through 86-11, 86-26, 87-01 through 87-06, 87-08 through 87-22, 87-24, 87-25, 87-27, 88-01 through 88-08, 89-01, 90-01 through 90-05, 91-01 through 91-07, 92-01 through 92-03, 92-05 through 92-09, 93-01 through 93-08, 93-10 through 93-16, 93-18, 93-20, 94-01 through 94-24, 94-26, 94-28 through 94-38, 95-01 through 95-26, 95-28 through 95-42, 96-01 through 96-17, 96-19, 96-21 through 96-32, 97-01 through 97-06, 97-08, 97-10 through 97-21, 98-01, 98-03 through 98-09, 98-11 through 98-13, 98-15 through 98-18, 99-01 through 99-08, 00-01 through 00-14, 01-01 through 01-05 and 02-01 through 02-06, 03-01 through 03-10, 04-01 through 04-06, 04-08, 05-01 through 05-12, 06-01 through 06-17, 07-01 through 07-05, 07-07 through 07-10, 08-01 through 08-03, 10-03, 11-01 through 11-03, 12-01 through 12-04, 13-03 through 13-18, 14-01 through 14-02, 14-04, and 14-7 through 14-08 certain sum sufficient to raise the amount required for Street Lighting Improvement Districts, subject to maximum levy; and declaring an emergency.

39. PARKWAY IMPROVEMENT DISTRICTS - conduct hearing and consider adoption of an Ordinance relating to taxation levied upon property within the Municipal Parkway Improvement District Nos. 07-01, 07-02, 07-03, 07-04, 88-05, 07-09, 07-10, and 07-11 sufficient to raise the amount required for parkway improvement districts for the period July 1, 2015 to June 30, 2016; and declaring an emergency.

40. BUDGET - conduct hearing and consider declaring June 25, 2015 as the date of public hearing and adoption of the FY2015 property tax levy and direct staff to submit an ordinance setting the secondary property tax levy for FY2015-16 at \$21,221,243.

#### **RECESS REGULAR MEETING AND CONVENE SPECIAL MEETING**

41. BUDGET - conduct hearing and consider adoption of the Final Budget of \$615,009,220 for the period of July 1, 2015 to June 30, 2016.

#### **ADJOURN SPECIAL MEETING AND RECONVENE REGULAR MEETING**

#### **ADMINISTRATIVE ITEMS**

Administrative Items are for Council discussion and action. It is to the discretion of the majority of the Council regarding public input requests on any Administrative Item. Persons wishing to speak on an Administrative Item should complete a Request to Speak Form and indicate the Item they wish to address. Council may or may not accept public comment.

42. CODE OF GILBERT - discussion and direction to staff to proceed with amending the Gilbert Tax Code to eliminate two transaction privilege tax classifications and lower the tax rate to 0.0% on two additional classifications.

43. COUNCIL ADMINISTRATION - consider acceptance of the 3rd Quarter Budget Report for FY2015.



44. BOARDS, COMMISSIONS, AND COMMITTEES - reports from Council Liaisons for the:

- a) Subcommittee on Board and Commission Application Screening, Interview, and Selection
- b) Other Council Subcommittees
- c) Design Review Board
- d) Environmental and Energy Conservation Advisory Board
- e) Gilbert Educational Cable Access Governing Board
- f) Arts, Culture and Tourism Board
- g) Human Relations Commission
- h) Industrial Development Authority
- i) Mayor's Youth Advisory Committee
- j) Parks, Recreation and Library Services Advisory Board
- k) Planning Commission
- l) Redevelopment Commission
- m) Gilbert Public Facilities MPC
- n) Gilbert Water Resources MPC
- o) Gilbert Self-Insured Trust Fund
- p) Regional Meetings
- q) Utility Board

## **POLICY ITEMS**

## **FUTURE MEETINGS**

There may be a discussion of whether to place an item on a future agenda and the date, but not the merits of the item.

## **COMMUNICATIONS**

Report from the TOWN MANAGER on current events.

Report from the COUNCIL on current events.

Report from the MAYOR on current events.

## **ADJOURN**

**NOTICE TO PARENTS:** Parents and legal guardians have the right to consent before the Town of Gilbert makes a video or voice recording of a minor child. A.R.S. 1-602.A.9. Gilbert Council Meetings are recorded and maybe viewed on Channel 11 and the Gilbert website. If you permit your child to participate in the Council Meeting, a recording will be made. If your child is seated in the audience your child may be recorded, but you may request that your child be seated in a designated area to avoid recording. Please submit your request to the Town Clerk.